

### **REMARKS**

Claims 1-18 are pending. Of those, claims 1, 9 and 17 are independent.

#### **§ 102 Rejection**

Beginning on page 2 of the Office Action, claims 1-2, 5, 9-10, 13, 17 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated over US Patent 5,949,139 to Imura et al.. (the '139 patent). Applicant traverses.

The '139 patent is directed toward a resin-encapsulated type of semiconductor integrated circuit device that includes at least two chips, each of which has formed thereon integrated circuits. More particularly, the '139 patent addresses the problem of redundant integrated circuits, i.e., at least one instance in which the same integrated circuit is formed on each of the encapsulated chips to carry out the same function; see column 1, lines 54-60. The solution taught by the '139 patent (e.g., in terms of Fig. 1) is to provide a given circuit 3, for implementing a given function that is common to both of chips 1 & 2, only on chip 1; see column 5, lines 23-27. Alternatively, instead of providing the entirety of given circuit 3 on one of chips 1 & 2, the '139 patent teaches that given circuit 3 can be divided into two parts and that the first part is provided only on chip 1 while the second part is provided only on chip 2. The net result of the alternative approach is that only one instance of given circuit 3 is provided for two chips 1 & 2.

In contrast, a distinction of original independent claim 1 is that each chip includes a common circuit having substantially the same common function, wherein the common circuit in a selected one of the chips is enabled. As noted above, both chips 1 & 2 of the '139 patent do not include given circuit 3; rather, only one of chips 1 & 2 includes given circuit 3. The recitation by claim 1 of at least the noted distinction shows that the '139 patent is not an

anticipation of claim 1.

Claims 2 and 5 depend from claim 1, respectively, and share at least its noted distinction.

Independent claims 9 and 17 recite distinctions similar to that of claim 1, respectively.

Claims 10, 13 and 18 depend from claims 9 and 17, respectively, and share the distinctions of their respective base claims.

In view of the foregoing discussion, the § 102(b) rejection of claims 1, 2, 5, 9, 10, 13, 17 and 18 over the '139 patent is improper. Withdrawal of the rejection is requested.

### **§ 103 Rejections**

Beginning on page 4 of the Office Action, claims 3-4, 11 and 12 are rejected under 35 U.S.C. § 103(a) as being obvious over the '139 patent in view of US Patent 6,392,304 to Butler (the '304 patent). Applicant traverses.

Claims 3-4, 11 and 12 depend from claims 1 and 9 respectively, and share the distinctions noted above of their respective base claim. The '304 patent has not been relied upon by the Examiner as a teaching corresponding to the claimed distinctions noted above by Applicant. Nor would it be reasonable to interpret the '304 patent as any such teaching. Accordingly, the combination of the '139 patent as modified according to the '304 patent does not provide all elements of the claim combinations, rendering the rejection based thereon improper.

In view of the foregoing discussion, withdrawal of the § 103(a) rejection of claims 3, 4, 11 and 12 over the combination of the '139 patent and the '304 patent is requested.

Beginning on page 6 of the Office Action, claims 7 and 15 are rejected under 35 U.S.C. § 103(a) as being obvious over the '139 patent in view of US Patent 5,866,924 to Zhu (the '924 patent). Applicant traverses.

Claims 7 and 15 depend from claims 1 and 9 respectively, and share the distinctions noted above of their respective base claim. The '924 patent has not been relied upon by the Examiner as a teaching corresponding to the claimed distinctions noted above by Applicant. Nor would it be reasonable to interpret the '924 patent as any such teaching. Accordingly, the combination of the '139 patent as modified according to the '924 patent does not provide all elements of the claim combinations, rendering the rejection based thereon improper.

In view of the foregoing discussion, withdrawal of the § 103(a) rejection of claims 5 and 17 over the combination of the '139 patent and the '924 patent is requested.

### **CONCLUSION**

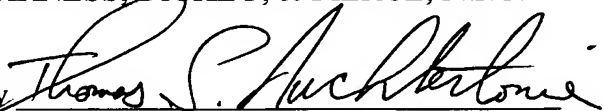
In view of the above remarks, the issues raised in the Office Action have been overcome. Accordingly, allowance of claims 1-18 again is requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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